IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 14531 of 2005

Between:

T. Kondaiah S/o Adevaiah, O/o Executive Director, District Scheduled Castes SErvice Cooperative Society Limited, Sangareddy, Medak District (Under order of Transfer to Nalgonda)

..... PETITIONER

AND

1. The Vice Chairman and Managing Director A.P. Scheduled Castes Service Cooperative Finance Corporation Limited, Hyderabad.
2. The District Collector and Chairman District, Scheduled Castes Service Cooperative Society Limited, Medak at Sangareddy.
3. The Executive Director, District Scheduled Castes Service Cooperative Society Limited, Sangareddy, Medak District.
4. B. Devaiah, Assistant Accounts Officer, O/o Executive Director, District Scheduled Caste Service Cooperative Society Limited, Adilabad (Under orders of Transfer to Sangareddy).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring the impugned Proc. RC. No. A4/846/APSC/2005 dated 30-6-2005 issued by the vice Chairman and Managing Director A.P. Scheduled Castes service Cooperative Finance Corporation Limited, Hyderabad as illegal, arbitrary unjust discriminatory and subversive of Articles 14, 16 and 21 of the Constitution and also contrary to the Government policy laid down in G.O.Ms. No. 144, fin., dated 7-6-2005 and hold that

the petitioner is entitled to continue as assistant Accounts Officer in the O/o Executive Director District Scheduled Castes Service Cooperative Society Ltd., Sangareddy at Medak with all consequential benefits.

Counsel for the Petitioner: MR.D.BALA KISHAN RAO

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: --

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the order of transfer passed by the first respondent transferring the petitioner from Medak to Nalgonda.

According to the petitioner, as per the guidelines issued in G.O.Ms.No.144, Finance (W & M) Department, dated 07.06.2005, the persons who are liable to be transferred must be called for counseling and then only the transfers have to be effected. However, though he was not called for counseling and even he did not make any application or request for transfer, he was transferred from Medak to Nalgonda. Hence, the said action is illegal and without jurisdiction.

It is stated that the petitioner made a representation to the third respondent bringing to his notice the fact that the petitioner has been working at Medak as an Assistant Executive Officer only for about one year four months and further, in view of the health problems of his parents, he sought for cancellation of the order of transfer. As the representation has also not been disposed of, he has come up with the present writ petition.

The learned Government Pleader for Cooperation appearing for the respondents however contended that the petitioner has been working

at Medak since long time as he worked as a Monitoring and Evaluation Officer, prior to his promotion as an Assistant Executive Officer on 22.12.2003 and in fact when he was promoted as an Assistant Executive Officer, he was transferred to Mahabubnagar. However, on his request, he was retained at Medak only for a period of three months. But, subsequently as some other person was posted at Mahabubnagar, he was allowed to continue at Medak. Therefore, it is stated that there are no justifiable grounds for retention of the petitioner at Medak. It is also stated that the petitioner had continued for more than five years at Medak, may be in different posts. It is also represented that as the representation has already been made by the petitioner to the third respondent, the same may be directed to be disposed of.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation appearing for the respondents.

The petitioner is aggrieved against the order passed by the third respondent transferring him from Medak to Nalgonda. It is also the grievance of the petitioner that he made a representation on 04.07.2005 and the same has not been disposed of. Therefore, it is just and proper to direct the respondents to dispose of the said representation.

In the circumstances, the writ petition is disposed of directing the respondents to dispose of the representation of the petitioner dated 04.07.2005 expeditiously, preferably within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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06.07.2005

Note: Issue CC by tomorrow.

(b/o)

VGB

To

1. The Vice Chairman and Managing Director A.P. Scheduled Castes Service Cooperative Finance Corporation Limited, Hyderabad.

2. The District Collector and Chairman District, Scheduled Castes Service Cooperative Society Limited, Medak at Sangareddy.

3. The Executive Director, District Scheduled Castes Service Cooperative Society Limited, Sangareddy, Medak District.

4. 2CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad. (OUT)

5. 2CD copies.